

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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DAMIEN GREEN,

Plaintiff,

v.

OPINION and ORDER

MS. ADAMS, SANDRA MCARDLE, DR. GAVIN,  
MS. KINYAN, and CRAIG SULLIVAN,

19-cv-690-jdp

Defendants.

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Plaintiff Damien Green, appearing pro se, alleges that prison officials and outside medical providers have failed to treat his foot pain caused by gout and the placement of surgical screws. The five defendants are split into three groups, each of which has filed a motion for summary judgment. Green submitted several filings asking the court to compel production of his medical records and recruit counsel for him. Defendants jointly filed a motion to dismiss the case for Green's failure to prosecute it. Dkt. 146.

In an August 4, 2021 order, I denied Green's motions to compel and for recruitment of counsel. I noted that the key issue was Green's allegation that prison officials had confiscated his legal materials, preventing him from filing summary judgment responses. Dkt. 149. Defendants submitted a declaration stating that Green's property had been taken from him for about two weeks and had then been returned to him. I directed Green to submit a declaration explaining whether his legal materials were returned to him and if so, when they were returned, along with any other information supporting his contention that prison officials blocked him from filing a summary judgment response. *Id.*

Green's deadline to respond to this order has passed and he has not submitted a declaration or any other evidence disputing defendants' account or suggesting that he is still

unable to file a summary judgment response. Defendants have jointly filed another motion to dismiss the case for Green's failure to prosecute it. This time I will grant defendants' motions and dismiss the case with prejudice because Green has failed to respond to defendants' summary judgment motions or even respond to my order asking him to support his unsubstantiated allegation that he was genuinely blocked from filing his summary judgment response.

ORDER

IT IS ORDERED that:

1. Defendants' motions to dismiss this case with prejudice for plaintiff Damien Green's failure to prosecute it, Dkt. 146 and Dkt. 150, are GRANTED.
2. The clerk of court is directed to enter judgment for defendants and close the case.

Entered August 30, 2021.

BY THE COURT:

/s/

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JAMES D. PETERSON  
District Judge